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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------|------------------|
| 10/600,488 | 06/20/2003 | Shelley R. Goodstein | 3945P2627 | 5479 |
| 23504 | 7590 | 08/01/2006 | EXAMINER | |
| WEISS & MOY PC 4204 NORTH BROWN AVENUE SCOTTSDALE, AZ 85251 | | | CEGIELNIK, URSZULA M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3711 | |

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|----------------------|-----------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/600,488 | GOODSTEIN, SHELLEY R. |
| | Examiner | Art Unit |
| | Urszula M. Cegielnik | 3711 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 March 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,7-10,12,15-21,23,25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,7-10,12,15-21,23,25 and 26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

The finality of the Office action dated 07 March 2006 has been withdrawn, and prosecution has been reopened.

Claim Objections

Claim 25 is objected to because of the following informalities: Claim 25 depends from claim 22 that was cancelled. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 19-21, 23, 25, and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 recites the limitation "said infant/child transportation device" in line 3-4. Claim 26 recites "the back upper portion" and "the outer surface of said automobile seat". There are insufficient antecedent bases for these limitations in the claims.

Claim 19 recites "a device body of a form for transporting a child or infant and providing a child/infant play or entertainment". It is not clear whether applicant is intending to claim a device body or an infant/child transportation device.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

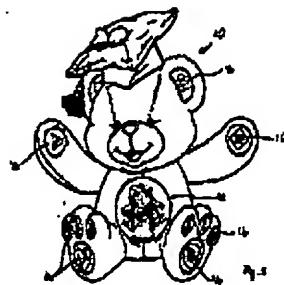
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 19, 20, 21, 23, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Forbes et al.

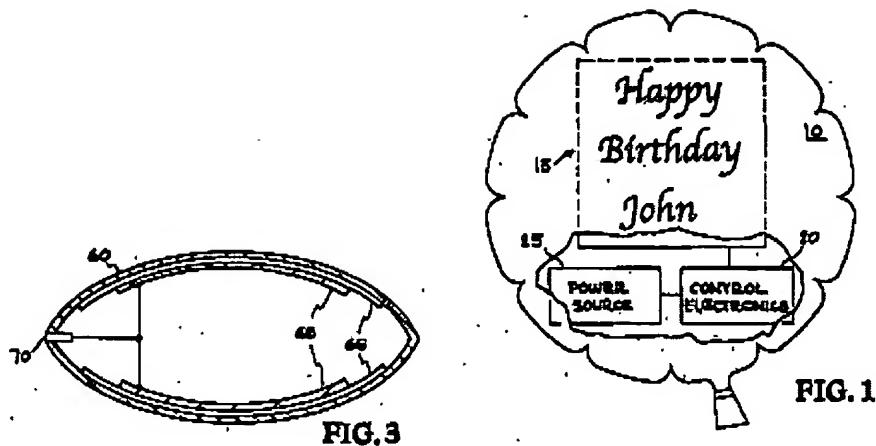
Forbes et al. disclose a device body (310) of a form for providing a child/infant play or entertainment (*the device body (310), which is in the form of a shopping cart is capable of providing child/infant play or entertainment*); one or more flexible multipixel displays (311) mounted on at least one surface of the device body (310) for providing a visual display to the child/infant; a driver circuit (thin-film transistor array) coupled to the display array for providing electronic signals controlling the visual display (311) and a processor (paragraph 0046) coupled to the driver circuit (thin-film transistors) for programming the electronic signals; the one or more displays is a light emitting diode display; the one or more displays is an organic light-emitting diode (OLED) display (paragraph 0008, lines 1-5); the flexible display is adapted for attachment around the circumference of a bar (*i.e. shopping cart handle, paragraph 0088 and Figure 26*); the device is a child/infant transportation device (*i.e. a shopping cart, paragraph 0015, lines 6-7*).

Claims 1 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Fong.



Fong discloses flexible device body of a form for providing a child/infant play or entertainment; one or more flexible (paragraph 0021, lines 1-7) multipixel displays (12) mounted on at least one surface of the device body (10) for providing a visual display to the child/infant; a driver circuit (PCB) coupled to the display array (12) for providing electronic signals controlling the visual display (12) and a processor (MPU) coupled to the driver circuit (PCB) for programming the electronic signals; the one or more displays (12) is a light emitting diode display (LED) (paragraph 0005, lines 1-5); the device is a child/infant plush toy (paragraph 0016, lines 7-9) and the multipixel display (12) forms a portion of the surface of the plush toy (see Figure 1, for example).

Claims 1-3, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by World Intellectual Property Organization Publication No. 200183067, hereinafter WO '067.



WO '067 discloses a flexible and compressible solid device body of a form for providing a child/infant play or entertainment; one or more flexible multipixel displays (65) mounted on and conforming to at least one external surface (i.e. outer surface) of the device body (60) for providing a visual display to the child/infant; a driver circuit (68) coupled to the display array (65) for providing electronic signals controlling the visual display (65) and a processor (92) coupled to the driver circuit (68) for programming the electronic signals; the one or more displays (65) is a light emitting diode display (LED); the one or more displays is an organic light-emitting diode (OLED) display (i.e. OLED array 65); the device is a toy in the form of a simple geometric solid (i.e. a football shape) and the at least one display (65) occupies at least one face of the toy (the OLED array is bonded to the skin of the football); the toy is in the form of a ball (i.e. a football) having surface sections (the middle portion of football 60) approximating a sphere, at least one of the sections is occupied by one of the at least one displays (65) (see Figure 3).

Claims 1 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ward.

Ward discloses a flexible device body of a form for providing a child/infant play or entertainment; one or more flexible multipixel displays (214,216) mounted on at least one surface of the device body (table-top surface) for providing a visual display (214,216) to the child/infant; a driver circuit (video driver) coupled to the display array (214,216) for providing electronic signals controlling the visual display (214,216) and a processor (254) coupled to the driver circuit (video driver) for programming the electronic signals; the device is a play desk (i.e. a table-top surface) having a flexible (rubber or plastic, which is inherently compressible to a degree) body (300) and the at least one display (214,216) is arranged on a top surface of the play desk (i.e. on a table-top surface).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over World Intellectual Property Organization Publication No. 200183067, hereinafter WO '067, in view of Forbes et al.

WO '067 discloses the claimed invention except the device is a child/infant toy emulating an adult device having a display, the display emulates the display on a corresponding adult display.

Forbes et al. teaches a flexible display (paragraph 0008, lines 1-5) which emulates an adult display such as a cell phone (280).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a flexible display which emulates an adult display such as a cell phone as taught by Forbes et al. since such a modification would make the toy more appealing to a child.

Claims 9, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over World Intellectual Property Organization Publication No. 200183067, hereinafter WO '067 in view of Anderson.

WO '067 discloses the claimed invention except for device being a device for suspension over a child in a crib.

Anderson teaches a toy support in the form of a device for suspension over a child in a crib; which includes toy supports in the form of mobile figures and suspension arms.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the toy support of Anderson, since such a modification would permit the visual display of WO '067 to be mounted on alternate toy supports.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asami (US Patent No. 6,524,161) in view of World Intellectual Property Organization Publication No. 200183067, hereinafter WO '067.

Asami discloses a push toy having a handle (62) and a rollable element (60) disposed at one end, and the at least one display (64) is disposed on a surface of the rollable element (60).

Asami does not disclose the visual display being a multipixel display with associated circuitry.

WO '067 discloses multipixel display with associated circuitry.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the abovementioned claimed features as taught by WO '067, since such a modification would provide an alternate visual display.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Forbes et al. in view of Peterson.

Forbes et al. disclose the claimed invention except for the device body being a back upper portion of an automobile seat.

Peterson discloses a visual display with a device body being a back upper portion of an automobile seat (see Figure 6) and which is conformable to the outer surface of the automobile seat (i.e. both the visual display and the outer surface of the automobile seat are of rectangular configuration).

It would have been obvious to one of ordinary skill at the time the invention was made to provide a device body being a back upper portion of an automobile seat as

taught by Peterson, since such a modification would permit the visual display to be more portable.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 571-272-4420. The examiner can normally be reached on Monday through Friday, from 5:45AM-2:15PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene L. Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Urszula M. Cegielnik
Assistant Examiner
Art Unit 3711



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SUPERVISORY PATENT EXAMINER